

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)
) Case No. 1:20-cr-346-PAB
Plaintiff,)
) Cleveland, Ohio
vs.) Tuesday, November 30, 2021
)
TIMOTHY GOODNER,)
) ARRAIGNMENT AND CHANGE OF PLEA
Defendant.) VIA VIDEOCONFERENCE
)

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE WILLIAM H. BAUGHMAN, JR.,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:

OFFICE OF THE U.S. ATTORNEY - CLEVELAND
BY: KELLY L. GALVIN, AUSA
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Cleveland, OH 44113
(216) 622-3731

(Appearances continued on Page 2)

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Proceedings recorded by electronic sound recording;
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APPEARANCES CONTINUED:

For the Defendant:

OFFICE OF THE FEDERAL PUBLIC DEFENDER - CLEVELAND
BY: DARIN THOMPSON, AFPD
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Cleveland, OH 44113
(216) 522-4856

* * * * *

1 CLEVELAND, OHIO; TUESDAY, NOVEMBER 30, 2021; 11:21:05 A.M.

2 --oOo--

3 P R O C E E D I N G S

4 (Proceedings in progress).

5 COURTROOM DEPUTY: -- cr-346, United States of
6 America vs. Timothy Goodner.

7 THE COURT: Counsel for the United States, are
8 you ready to proceed?

9 MS. GALVIN: Yes, Your Honor. Kelly Galvin on
10 behalf of the United States ready to proceed.

11 THE COURT: And counsel for Mr. Goodner, is
12 that the proper pronunciation?

13 MR. THOMPSON: I believe it is, Your Honor.
14 Darin Thompson --

15 THE COURT: Are you ready to proceed?

16 MR. THOMPSON: Yes, Your Honor.
17 Darin Thompson from the Federal Public Defender Office ready
18 to proceed.

19 THE COURT: We're here today for purposes of
20 an arraignment and a plea. I'm going to take up the matter
21 of the arraignment first.

22 Mr. Goodner, this is your arraignment on charges
23 brought against you in an Information and -- wait a minute.
24 I got an Indictment here.

25 MS. GALVIN: Judge, he is pleading guilty --

1 it's the supplemental Information that he needs to be
2 arraigned on and would be entering the plea to.

3 THE COURT: All right. Okay. Fine.

4 We're here on the supplemental Information and. . . so
5 just let me adjust the script here.

6 Because the charges brought against you are felony
7 charges, you have a constitutional right to be charged by a
8 Grand Jury. You've instead been charged by way of an
9 Information. The Information is a document that contains
10 criminal charges against you but unlike an Indictment, an
11 Information is never presented to or voted on by a
12 Grand Jury.

13 Have you had an opportunity to consult with
14 Mr. Thompson regarding your right to have charges against
15 you presented to the Grand Jury, and have you, in fact,
16 consulted with Mr. Thompson regarding your waiver of that
17 right?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Have you signed a written waiver
20 of your right to be charged by way of Indictment?

21 THE DEFENDANT: Yes, Your Honor, I believe so.

22 THE COURT: Do you understand your right to be
23 charged on a -- on an Indictment after presentation to the
24 Grand Jury?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Has anyone threatened you or
2 anyone else or forced you in any way to sign a waiver of
3 your right to a Grand Jury?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: I find that your waiver of your
6 constitutional right to have charges against you presented
7 to a Grand Jury has been knowingly, voluntarily, and
8 intelligently made. I therefore accept the waiver of your
9 right to be charged by a Grand Jury and we will proceed with
10 this arrangement on the basis of the supplemental
11 Information that's been presented.

12 Ms. Galvin, please identify the counts of the
13 Information under which Mr. Goodner is charged, describe the
14 offense charged under each count, state the maximum penalty
15 for each offense.

16 MS. GALVIN: Thank you, Your Honor.

17 He is charged, Your Honor, in an Information which
18 alleges one count of conspiracy to commit an offense.
19 That's in violation of Title 18 United States Code § 371.

20 It carries with it a statutory penalty of up to
21 5 years imprisonment, there is no mandatory term of
22 imprisonment; a \$250,000 fine; 3 years of supervised
23 release; and a \$100 special assessment upon conviction.

24 THE COURT: All right. Very well.

25 Mr. Goodner, you have a copy of that Information?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And have you had enough time to
3 review the Information with Mr. Thompson?

4 THE DEFENDANT: Yes, sir, I have.

5 THE COURT: Do you understand the charges made
6 against you in the Information?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: Do you want the Information read,
9 or will you waive the reading of the Information?

10 THE DEFENDANT: I will waive the reading,
11 Your Honor.

12 THE COURT: You have a constitutional right to
13 be represented by an attorney throughout the case. If you
14 are not able to afford an attorney, the Court will appoint
15 one without cost to represent you.

16 Do you understand your right to an attorney?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And you understand that
19 Mr. Thompson has been previously appointed to represent you
20 in this case?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: You have the right to remain
23 silent and the right not to incriminate yourself. You're
24 not required to make a statement. Anything you say may be
25 used against you. If you start to make a statement, you may

1 stop at any time. You may also consult with your attorney
2 at any time.

3 Do you understand your right to remain silent and your
4 right not to incriminate yourself?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: You have the right to appear here
7 in person in court before me for your arraignment. Given
8 the national emergency brought on by the COVID-19 pandemic
9 and under recent general orders of this court and the
10 CARES Act, hearings such as this arraignment are permitted
11 to be conducted by videoconference to protect the health of
12 everyone involved.

13 Have you spoken with Mr. Thompson regarding your right
14 to appear in person and about a waiver of that right to
15 permit this proceeding to go forward by videoconference?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Do you waive your right to appear
18 in person for your arraignment --

19 THE DEFENDANT: Yes, sir.

20 THE COURT: -- and Plea Hearing and consent to
21 go forward by videoconference?

22 THE DEFENDANT: Yes, Your Honor, I do. I'm
23 sorry.

24 THE COURT: I find your waiver of personal
25 appearance and your consent to go forward by videoconference

1 have been knowingly, voluntarily, and intelligently made. I
2 accept your waiver of personal appearance and your consent
3 to go forward by videoconference or telephone conference --
4 or videoconference, excuse me. Accordingly, we will proceed
5 with this arraignment and the Plea Hearing with Mr. Goodner
6 participating by videoconference.

7 Given the unique present circumstances in which we
8 find ourselves and the fact that some hearings in this case
9 may be conducted by videoconference, there may be times when
10 it will be necessary for your attorney, after consulting
11 with you and obtaining your approval, to sign documents
12 related to the case.

13 Do you understand why Mr. Thompson, after consulting
14 with you and obtaining your approval, may need to sign
15 documents on your behalf related to the case?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And do you authorize Mr. Thompson
18 to sign on your behalf in those limited situations after
19 consulting with you and obtaining your approval?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Now that you are aware of the
22 charges against you as set forth in the Information I've
23 been informed that you want to plead guilty to those
24 charges; is that correct?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: I understand the defendant has
2 consented to have me, as the United States Magistrate Judge
3 assigned to this case, receive your plea.

4 Is that also correct?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Clerk will mark a copy of the
7 consent to my jurisdiction as Exhibit 1 for this hearing.

8 Is that your signature on Exhibit 1?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Have you discussed this consent
11 with your attorney?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand you have the
14 right to offer your guilty plea to the United States
15 District Judge assigned to this case?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Do you understand that by giving
18 this consent to my jurisdiction you give up your right to
19 offer your guilty plea to the district judge assigned to the
20 case?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you still want to go forward
23 with your plea before me?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: The purposes of this proceeding

1 are to establish that you are competent to make a plea, to
2 make sure that your plea is free and voluntary, to make
3 certain that you understand the charges asserted against you
4 and the maximum penalty for those charges and the
5 constitutional rights that you will be giving up by pleading
6 guilty, and to determine that there is a factual basis for
7 your plea, and to receive your plea.

8 For purposes of accepting your plea of guilty I will
9 be asking you a series of questions. The court reporter
10 will record my questions, your answers -- and your answers.
11 The court reporter can only record verbal answers. She
12 cannot record a nod of the head or other gestures, so please
13 verbalize your answers.

14 If you don't understand any of the questions or at any
15 time you want to consult with your attorney, please say so
16 because it's essential to a valid plea that you understand
17 each question before you answer it. None of my questions
18 are meant or designed to embarrass you.

19 Do you understand these instructions?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: You have the right to remain
22 silent and the right not to incriminate yourself. You're
23 not required to make a statement. Anything you say may be
24 used against you.

25 Before receiving your guilty plea there are a number

1 of questions I will ask to assure that your plea is valid.
2 By answering these questions, you will be making statements
3 against your interest and you will incriminate yourself.

4 Do you understand that by proceeding here today with a
5 guilty plea you'll necessarily be giving up your right to
6 remain silent and your right not to incriminate yourself?

7 THE DEFENDANT: Yeah -- yes, Your Honor.

8 THE COURT: Mr. Matyas, please place
9 Mr. Goodner under oath.

10 COURTROOM DEPUTY: Do you solemnly swear that
11 your testimony in this case will be the truth, the whole
12 truth, and nothing but the truth, so help you God?

13 THE DEFENDANT: I do.

14 COURTROOM DEPUTY: Thank you.

15 THE COURT: You have now been sworn, and you
16 understand -- and you are under oath to tell the truth.
17 Your answers to my questions will be subject to the
18 penalties of perjury if you do not tell the truth.

19 Do you understand this instruction?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: You have the right to be
22 represented by an attorney throughout the case. As I
23 mentioned to you earlier, if you cannot afford an attorney,
24 one will be appointed to represent you and, in fact, in
25 earlier proceedings, Mr. Thompson has been appointed to

1 represent you.

2 Have you had enough time to discuss the charges made
3 against you and your response to those charges with
4 Mr. Thompson?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Have you told Mr. Thompson
7 everything you know about the case?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Are you completely satisfied with
10 Mr. Thompson's representation and with the advice that he's
11 given you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: As part of these proceedings I
14 must determine that you are competent to understand the
15 proceedings and to enter a knowing plea. I therefore have
16 some questions for you.

17 What is your full name?

18 THE DEFENDANT: Timothy James Goodner.

19 THE COURT: How old are you?

20 THE DEFENDANT: I am 20 years old, sir.

21 THE COURT: Are you a citizen of the
22 United States?

23 THE DEFENDANT: I am, Your Honor.

24 THE COURT: And how far did you go in school?

25 THE DEFENDANT: I dropped out when I was 16,

1 and I got my GED.

2 THE COURT: Are you currently on probation,
3 parole, or supervised release for any state or federal
4 conviction?

5 THE DEFENDANT: I am currently on supervised
6 release for this.

7 THE COURT: For this case?

8 THE DEFENDANT: Yes.

9 THE COURT: But not for any other case?

10 THE DEFENDANT: Not -- not for anything else,
11 no.

12 THE COURT: All right. Within the past year
13 have you been treated for a mental illness?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And have you completed that
16 treatment?

17 THE DEFENDANT: Yes. It's -- it's still
18 ongoing, but yeah.

19 THE COURT: Has the condition that has
20 required you to undergo that treatment, does that affect
21 your ability to understand what we're doing here today?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Within the past year have you been
24 treated for addiction to alcohol?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Within the past year have you been
2 treated for addiction to any narcotic drug?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And is that treatment still
5 ongoing?

6 THE DEFENDANT: Yeah. Yes, Your Honor.

7 THE COURT: And again, is the condition that
8 has prompted you to undergo that treatment, does that affect
9 your ability to understand what we're doing here today?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: In the past 24 hours have you
12 taken any medication, drugs, or alcohol?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Do you understand what we're doing
15 here today?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And what is your understanding of
18 these proceedings?

19 THE DEFENDANT: To enter a guilty plea in
20 agreement with the government.

21 THE COURT: Do you have any doubt, Ms. Galvin,
22 as to Mr. Goodner's competence to plead at this time?

23 MS. GALVIN: No, Your Honor, I do not.

24 THE COURT: And Mr. Thompson, do you have any
25 doubt as to Mr. Goodner's competence to plead at this time?

1 MR. THOMPSON: No, Your Honor.

2 THE COURT: By proceeding with a guilty plea
3 you will be giving up certain constitutional rights. I will
4 next review with you those rights and establish that you
5 understand the rights you will be giving up by pleading
6 guilty.

7 You have a right to stand by a plea of not guilty and
8 to require the government to proceed to a trial.

9 You would have a right to trial by jury, including
10 assistance of counsel at trial. At such trial you would be
11 presumed innocent. The government would be required to
12 prove you guilty by competent evidence beyond a reasonable
13 doubt. You would not have to prove that you are innocent.

14 Do you understand these rights?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you understand that by pleading
17 guilty you will be giving up these rights?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: You have a right to compulsory
20 process. That is, at trial, you would have the right to the
21 issuance of subpoenas to require the attendance of witnesses
22 to testify in your defense.

23 Do you understand this right?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you understand that by pleading

1 guilty you will be giving up this right?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: You have the right to hear, see,
4 and cross-examine all witnesses that the United States may
5 present against you at trial.

6 Do you understand these rights?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you understand that by pleading
9 guilty you will be giving up these rights?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: You have the right to remain
12 silent at trial. While you would have the right to testify
13 if you chose to do so, you would also have the right not to
14 testify and no inference or suggestion of guilt could be
15 drawn from the fact that you did not testify.

16 Do you understand this right?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you understand that by pleading
19 guilty you will be giving up this right?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Again, as I told you earlier, if
22 you proceed with a guilty plea, you'll give up your right
23 not to incriminate yourself. I will ask you questions
24 shortly about what you did in order to satisfy myself that
25 you are guilty as charged. You will have to acknowledge

1 your guilt to make a valid guilty plea.

2 Do you understand your right not to incriminate
3 yourself?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And do you understand that by
6 pleading guilty you will be giving up that right?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: If you plead guilty and the
9 district judge accepts your plea, do you understand that you
10 will give up your right to a trial and to the other rights I
11 just told you about?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you understand that there will
14 be no trial?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And do you understand that the
17 district judge will enter a judgment of guilty and sentence
18 you on the basis of your guilty plea after considering a
19 Pre-Sentence Report?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you understand that the offense
22 to which you are pleading guilty is a felony and that a
23 judgment of guilty may deprive you of valuable civil rights
24 such as the right to vote, the right to hold public office,
25 the right to serve on a jury, and the right to possess any

1 kind of a firearm?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: The clerk will make a copy -- will
4 mark a copy of the supplemental Information as Exhibit 2 for
5 this hearing.

6 Mr. Goodner, do you have a copy of that supplemental
7 Information?

8 THE DEFENDANT: I -- I should. I mean --

9 THE COURT: All right. We're going to publish
10 it on the screen for you.

11 THE DEFENDANT: Okay.

12 THE COURT: All right. Have you discussed
13 with Mr. Thompson the charges made against you in the
14 supplemental Information --

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: -- to which you intend to plead
17 guilty?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand the charges made
20 against you in the supplemental Information?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Ms. Galvin, please summarize the
23 charges that the defendant intends to plead guilty to and
24 the maximum possible penalty for the offenses.

25 MS. GALVIN: Yes, Your Honor. Thank you.

1 Your Honor, the supplemental Information charges the
2 defendant with one count of conspiracy in violation of
3 Title 18 United States Code § 371.

4 The supplemental Information provides that there was a
5 parking lot which did business in interstate commerce and
6 that on May 30th of 2020, in the Northern District of Ohio,
7 in the Eastern Division, the defendant and others, unknown
8 and not named, knowingly, intentionally conspired,
9 confederated, and agreed together and with each other to
10 violate the laws of the United States, that being to commit
11 arson in violation of Title 18 United States Code § 841(i).

12 Your Honor --

13 THE COURT: Thank you, Ms. Galvin.

14 Go ahead. You have something -- something additional?

15 MS. GALVIN: I was just going to indicate the
16 statutory penalties, Your Honor, are up to 5 years
17 imprisonment, a \$250,000 fine, 3 years of supervised
18 release, and a \$100 special assessment.

19 Thank you.

20 THE COURT: Thank you.

21 Mr. Goodner, is your decision to plead guilty the
22 result of your exercise of your own free will?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Has anyone threatened you or
25 anyone else or forced you in any way to plead guilty?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Have you entered into a written
3 Plea Agreement with the government?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: The clerk will mark the
6 Plea Agreement as Exhibit 3 for this hearing and we'll
7 publish that.

8 And let's go down to the last page, the signature
9 page.

10 Is that your signature on the Plea Agreement?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did you have the opportunity --
13 did you read the Plea Agreement before you signed it?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And did you discuss the
16 Plea Agreement with Mr. Thompson before you signed it?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And do you understand the terms of
19 the Plea Agreement?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Ms. Galvin, please succinctly
22 summarize the substance of the Plea Agreement for the
23 record.

24 MS. GALVIN: Yes, Your Honor. Thank you.

25 The Plea Agreement does contain standard language as

1 to the rights that Mr. Goodner will be waiving by entering
2 the guilty plea as well as the statutory penalties, the
3 assessments, costs, possibility of probation, immigration
4 consequences.

5 The Plea Agreement also contains the elements of the
6 offense, what the parties believe and stipulate to in terms
7 of the guideline range, that the defendant will be entitled
8 to a Pre-Sentence Report as well as allocution.

9 Importantly, the agreement also indicates that the
10 parties have no agreement about the sentencing range other
11 than the fact that we have computed for the Court what we
12 believe the advisory Base Offense Level will be.

13 The Plea Agreement also indicates that the government
14 intends to grant the defendant three levels for acceptance
15 of responsibility so long as his conduct continues to affirm
16 his acceptance, that the parties have no agreement about his
17 Criminal History Category.

18 It also contains a waiver of appeal and
19 post-conviction attack so that Mr. Goodner understands that
20 by entering a plea of guilty, he will be waiving most of the
21 rights that he has with the exception of punishment in
22 excess of the statutory maximum, any sentence to the extent
23 it exceeds the maximum of the sentencing guideline range
24 using the calculations and criminal history that the Court
25 finds.

1 The Plea Agreement also contains a waiver for the
2 statute of limitations. It also contains a factual basis
3 and relevant conduct which occurred on March 30th, 2020,
4 that there may be restitution owed, and that there are
5 consequences to breaking or breaching the Plea Agreement by
6 the defendant.

7 Lastly, Your Honor, it indicates that there is a
8 provision that the defendant is satisfied with the
9 assistance of counsel, and that this agreement was entered
10 into voluntarily and knowingly.

11 Thank you, Your Honor.

12 THE COURT: Thank you, Ms. Galvin.

13 Mr. Goodner, do you agree that the substance of the
14 Plea Agreement has been fairly and accurately summarized for
15 the record by Ms. Galvin?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Has anyone, including your
18 attorney, the attorney for the United States, or the Court
19 made any promise other than in the Plea Agreement to induce
20 you to plead guilty?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: I direct your attention to
23 Paragraph 16 of the Plea Agreement which deals with waiver
24 of appeal and collateral attack rights.

25 Do you understand that you -- under the -- under the

1 Plea Agreement, if I recommend the Plea Agreement to the
2 district judge and the district judge accepts my
3 recommendation, then you cannot withdraw your guilty plea?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And do you also understand that
6 you cannot appeal your sentence except under the limited
7 circumstances permitted by Paragraph 16?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And do you understand that you
10 cannot contest your sentence by any post-conviction
11 proceedings except to the extent permitted by Paragraph 16
12 in the Plea Agreement?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Mr. Thompson, have you discussed
15 sentencing with your client?

16 MR. THOMPSON: I have, Your Honor.

17 THE COURT: And have you given him an estimate
18 that he might receive under the Plea Agreement?

19 MR. THOMPSON: Yes, Your Honor.

20 THE COURT: What is that estimate?

21 MR. THOMPSON: I believe it's 33 to 41 months,
22 Your Honor. I apologize, that may be. . .

23 MS. GALVIN: Your Honor, I believe, if granted
24 all the levels of acceptance -- I think Mr. Thompson was
25 probably referring to without acceptance. With acceptance,

1 the guideline range would be 24 to 30 months.

2 MR. THOMPSON: I apologize, Your Honor.

3 Thank you, Ms. Galvin.

4 THE COURT: All right.

5 Do you understand that that's -- you received that
6 estimate, Mr. Goodner?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And do you understand that the
9 Court will not be able to determine the guideline sentence
10 for your case until after the Pre-Sentence Report has been
11 completed and you and the government have had an opportunity
12 to challenge the facts reported by the probation officer?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you understand that the
15 sentence imposed may be different from any estimate that
16 your attorney may have given to you?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: You understand that after it's
19 been determined what guideline range applies to your case
20 the district judge has the authority in some circumstances
21 to impose a sentence that is more severe or less severe than
22 the sentence called for by the advisory guidelines?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you understand that under some
25 circumstances you or the government may have a right to

1 appeal any sentence imposed, and in your case, that right is
2 limited by Paragraph 16 of the Plea Agreement?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand that parole has
5 been abolished in the federal system and that if you are
6 sentenced to prison, you will not be released on parole?

7 THE DEFENDANT: Yes -- yes, Your Honor.

8 THE COURT: Having discussed your rights with
9 you, do you still want to proceed with a guilty plea?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: I will now review with you that
12 portion of the Plea Agreement in which you stipulate to
13 facts as they relate to your conduct as charged in the
14 supplement Information. As I do so, you will have an
15 opportunity to correct any facts that you believe are not
16 correct.

17 And I direct your attention to Paragraph 18 in the
18 Plea Agreement. You have initialed the page on which it
19 appears -- I believe it probably goes over to the next page
20 as well. Right. So it's basically Paragraph 18 and its
21 subparts and Paragraph 19.

22 Do you agree with the facts -- facts -- factual basis
23 and relevant context -- conduct portion of the
24 Plea Agreement?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you wish to change or
2 supplement any of those facts?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Ms. Galvin, is there any right or
5 any procedural provision that I have failed to account for
6 before receiving the guilty plea?

7 MS. GALVIN: No, Your Honor. Thank you.

8 THE COURT: Mr. Thompson, is there any right
9 or any procedural provision that I have failed to account
10 for before receiving the Plea Agreement?

11 MR. THOMPSON: No, Your Honor.

12 THE COURT: Mr. Goodner, I am prepared to
13 receive your plea. Do you want to confer with your counsel
14 before I ask you what your plea is?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Do you have any questions of me
17 before I ask you what your plea is?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Having advised you of your rights,
20 having found you competent, and having found a factual basis
21 for your plea, how do you plead to the charge in the
22 supplemental Information, guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: It is my finding that the
25 defendant, Mr. Timothy Goodner, is fully competent to and

1 capable of entering an informed plea; that he is aware of
2 the nature and the charges brought against him and the
3 consequences of his plea; and that his plea of guilty to the
4 charges in the Information -- supplemental Information in
5 this case is a knowing and voluntary plea supported by an
6 independent basis in fact containing each of the essential
7 elements charged. I therefore recommend that the district
8 judge approve the Plea Agreement, accept Mr. Goodner's plea,
9 and adjudge him guilty of the charge in the supplemental
10 Information.

11 A Pre-Sentence Investigation Report will be prepared
12 before sentencing. It's in your best interest to cooperate
13 with the probation officer in furnishing information for
14 that report. The report will be important in the decision
15 as to what your sentence will be.

16 You and your attorney will have a right and an
17 opportunity to examine that report before your sentencing
18 and to comment on the report at your sentencing, including
19 challenging any facts in that report that you believe are
20 not correct.

21 Do we have a sentencing date and time, Mr. Matyas?

22 COURTROOM DEPUTY: No. It will be before
23 Judge Barker though.

24 THE COURT: Judge Barker will set your
25 sentencing and counsel will be advised.

1 Where do we stand regarding release or detention
2 pending sentencing? Ms. Galvin?

3 MS. GALVIN: Yes, Your Honor. Thank you.

4 The government is in receipt of an updated Pretrial
5 Services report which indicated that the defendant has not
6 had any issues while he's been on pretrial supervision. In
7 fact, Your Honor, the Pretrial Services officer recommends
8 at this time, I believe, that the GPS location monitoring
9 actually be removed as a condition of his pretrial release.
10 So the government agrees with that; it does not object to
11 that.

12 THE COURT: Any response, Mr. Thompson?

13 THE DEFENDANT: We --

14 MR. THOMPSON: Only to -- only to agree with
15 it, Your Honor. Thank you.

16 THE COURT: All right. Is GPS monitoring
17 currently on?

18 THE DEFENDANT: No. May -- when --
19 Carl Smith, he had -- he had had that taken off.

20 THE COURT: All right. Very good. So we
21 don't have to make arrangements for that to be done.

22 THE DEFENDANT: No.

23 THE COURT: Do you understand, Mr. Goodner,
24 that it is important that you follow all the conditions of
25 your release pending your sentencing?

1 THE DEFENDANT: Yes.

2 THE COURT: All right. Anything further for
3 the United States?

4 MS. GALVIN: No, Your Honor. Thank you very
5 much.

6 THE COURT: And Mr. Thompson, anything further
7 on behalf of Mr. Goodner?

8 MR. THOMPSON: Nothing, Your Honor. Thank
9 you.

10 THE COURT: There being no further business
11 before the Court in this case, we are in recess.

12 MR. THOMPSON: Thank you.

13 COURTROOM DEPUTY: Have a good day, everybody.

14 (Proceedings adjourned at 11:54:32 a.m.)

15

16 **C E R T I F I C A T E**

17 I certify that the foregoing is a correct transcript
18 from the record of proceedings in the above-entitled matter.
19 This transcript was prepared to the best of my ability from
a digital audio recording of the proceedings provided by the
Court.

20 /s/ Heather K. Newman 12-14-2021
21 HEATHER K. NEWMAN, RMR, CRR DATE

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